



November 12, 1999

Mr. Duncan Fox
Assistant Chief
Legal Services
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR99-3222

Dear Mr. Fox:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 129107.

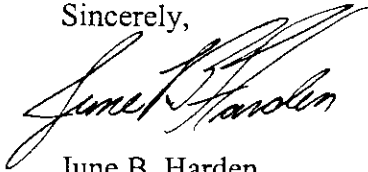
The Texas Department of Public Safety (the “department”) received a written request for records pertaining to a particular fatal automobile accident. You state that the department has released to the requestor the accident report and the “front page offense report information,” presumably in accordance with *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). *See also* Gov’t Code § 552.108(c). You seek to withhold all remaining information responsive to the request pursuant to section 552.108 of the Government Code.

Section 552.108(a)(1) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime.” Based upon your representation that the department’s criminal investigation of the accident is still pending, we conclude that you have demonstrated that section 552.108(a)(1) is applicable in this instance. The department, therefore, may withhold the information at issue pursuant to section 552.108(a)(1).¹

¹Because we resolve your request under section 552.108(a)(1), we need not address your section 552.103 claims.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" being more prominent.

June B. Harden
Assistant Attorney General
Open Records Division

JBH/RWP/ch

Ref: ID# 129107

cc: Ms. Kathy W. Tooker
Naman, Howell, Smith & Lee
Attorneys at Law
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(w/o enclosures)